

HOUSE BILL 1645

By Ogles

AN ACT to amend Tennessee Code Annotated, Title 14, Chapter 3 and Title 39, Chapter 17, Part 3, relative to adverse actions against employees due to COVID-19 vaccination status.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-309(b), is amended by adding the following as a new subdivision:

(5) Takes adverse action against an employee who has expressly objected to receiving a COVID-19 vaccination based upon the employee's religious beliefs, creed, or conscience with the intent to unlawfully intimidate or force the employee to obtain a COVID-19 vaccination.

SECTION 2. Tennessee Code Annotated, Section 39-17-309, is amended by deleting subsection (d) and substituting:

(d)

(1) A violation of subdivisions (b)(1)–(4) is a Class D felony.

(2) A violation of subdivision (b)(5) is a Class D felony, punishable only by a fine in an amount of no less than five thousand dollars (\$5,000)

(3) A violation of subsection (c) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-309, is amended by adding the following as a new subsection:

(f) As used in this section:

(1) "Adverse action" means to:

(A) Discriminate against a person by denying the person employment, privileges, credit, insurance, access, products, services, or other benefits; or

(B) Discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, locations, rights, immunities, promotions, or privileges; and

(2) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any mutation or variant of SARS-CoV-2 or COVID-19.

SECTION 4. Tennessee Code Annotated, Title 14, Chapter 3, is amended by adding the following as a new section:

An employer who takes adverse action against an employee who has expressly objected to receiving a COVID-19 vaccination based upon the employee's religious beliefs, creed, or conscience with the intent to unlawfully intimidate or force the employee to obtain a COVID-19 vaccination commits the offense of intimidating others from exercising civil rights pursuant to § 39-17-309(b)(5).

SECTION 5. This act takes effect July 1, 2022, the public welfare requiring it.